

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
EUGENE & KATHY MANKINI,)	
)	CASE NO. BK05-43586 (W.D. Mo.)
<u>Debtor(s).</u>)	
OGALLALA COMMUNITY HOSPITAL &)	A05-4036
HEALTH FOUNDATION, INC., a)	
Nebraska corporation,)	7:04CV5012
)	
Plaintiff,)	
)	
vs.)	CH. 7
)	
VITZTUM COMMERCIAL FLOORING,)	
INC., a Kansas corporation;)	
AMCO INSURANCE COMPANY, an Iowa)	
corporation; HORTY ELVING)	
CONSTRUCTION SERVICES, INC., a)	
Minnesota corporation; and HORTY))	
ELVING & ASSOCIATES, INC., a)	
Minnesota corporation,)	
)	
Defendants.)	
)	
VITZTUM COMMERCIAL FLOORING,)	
INC. and AMCO INSURANCE CO.,)	
)	
Third-party Plaintiffs,)	
)	
vs.)	
)	
DEPENDABLE CHEMICAL CO., INC.)	
and MANKINI VINYL INSTALLATION,)	
)	
Third-party Defendants.)	

REPORT & RECOMMENDATION

This case was transferred from the district court because the filing of a Chapter 7 bankruptcy case in Missouri by Eugene Mankini may affect the assets of third-party defendant Mankini Vinyl Installation.

After reviewing the matter, I respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to proceed with the case without the debtors, who presumably are doing business as

Mankini Vinyl Installation. Any party to the litigation who desires participation by Mankini should be directed by the district court to obtain relief from the automatic stay from the United States Bankruptcy Court for the Western District of Missouri.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: July 14, 2005

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney
Chief Judge

Notice given by the Court to:

Kevin O'Donnell
Stephen Ahl
Milton Katskee
Albert Engles
Dan Ketcham
U.S. Trustee